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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,715	02/20/2002	Lowell Potiker	048327-2002	1257

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DUCKOR SPRADLING METZGER & WYNNE
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SAN DIEGO, CA 92103

EXAMINER

DURAN, ARTHUR D.

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/081,715

Applicant(s)

POTIKER, LOWELL

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-16, and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Rubstein (20030061566).

Claims 1, 13: Rubstein discloses a method for issuing and redeeming a certificate over a network in conjunction with an interactive voice response system, comprising:

- receiving information related to a certificate the user is purchasing over the network;
- creating the certificate based on the received information, the certificate including the name of the merchant at which the certificate can be redeemed and a certificate identifier;
- transmitting the certificate to the user over the network;
- receiving a merchant identification in response to a call from a caller to the interactive voice response system to redeem the certificate;
- validating that the merchant identification is valid;
- instructing the interactive voice response system to request the caller to enter the certificate identifier if the merchant identification is valid;

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receiving the certificate identifier entered by the caller over the network; and
validating the certificate based on the received certificate identifier (Paragraphs [45, 62, 63, 64]).

Also, note in Rubstein that the supplier can be a store ([63], “supplier of the gift product (e.g., a store)”).

Claims 2, 14, 12, 24: Rubstein discloses a method according to claim 11, further comprising storing the certificate identifier, the merchant identification and the conditions for redeeming the certificate in a database and referring to the database to determine whether the certificate can be redeemed ([45, 62, 63, 64]).

Claims 3, 15: Rubstein discloses a method according to claim 1, wherein the transmitting includes generating a graphic file of the certificate and sending the graphic file to the user with an electronic mail message ([5, 14]).

Claims 4, 16: Rubstein discloses a method according to claim 1, wherein the merchant identification is an identifier associated with the merchant named in the certificate ([48]).

Claims 7, 19: Rubstein discloses a method according to claim 1, further comprising instructing the interactive voice response system to request the caller to call a customer service number if the merchant identification is invalid ([63], contact customer service).

Claims 8, 20: Rubstein discloses a method according to claim 1, wherein the certificate identifier is entered via a touch tone pad ([63], ‘key in’).

Claims 9, 21: Rubstein discloses a method according to claim 1, wherein validating that the received certificate identifier is valid includes determining whether the certificate identifier is present in a database (45, 62, 63, 64).

Claims 10, 22: Rubstein discloses a method according to claim 1, wherein the certificate further includes conditions for redeeming the certificate ([63], 'only generated once'; [48], which store; [45], which product).

Claims 11, 23: Rubstein discloses a method according to claim 10, further comprising determining whether the certificate can be redeemed based on the conditions for redeeming the certificate ([62]; [63], 'only generated once'; [48], which store; [45], which product).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 17, 6, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubstein (20030061566) in view of Soderlind (2002/0069123).

Rubstein discloses the above. Rubstein further discloses unique phone numbers to call, unique merchant/store identification, passwords for verification ([45, 48, 62-64).

Rubstein does not explicitly disclose utilizing caller id to verify the identify of a merchant as stated in Applicant's Specification (Paragraph [19]) or claims 5, 17, 6, 18.

However, Soderlind discloses utilizing caller id to verify the identify of a merchant (Paragraphs [20, 25]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Soderlind's caller id to verify the identify of a merchant to

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Rubstein's phone number to call, merchant/store id, password verification. One would have been motivated to do this in order to better identify the store.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Lee (20020032605) discloses telephone verified gift certificates (Paragraphs [8, 9, 27 37]);

b) Christensen (20030088461) discloses telephone verified gift certificates;

c) Messner, Small, Gillin, Karas, and Karas disclose telephone verified gift certificates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Arthur Duran
Primary Examiner
2/8/2007